

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DEUTSCHE BANK NATIONAL TRUST,

Case No. 2:16-cv-02174-KJD-NJK

Plaintiff,

ORDER

PACIFIC SUNSET VILLAGE
HOMEOWNERS ASSOCIATION, et al.,

Defendants.

Presently before the Court is Plaintiff's Motion for Status Check (#102). Plaintiff requests a status check be scheduled to address the Ninth Circuit's recent order regarding its appeal. (#102, at 1). Defendants did not file a response in opposition, and the time to do so has passed.

On January 31, 2023, this Court denied Plaintiff's Motion for Summary Judgment (#63) and consequently entered judgment in favor of Saticoy Bay, LLC and 2995 E. Sunset Rd. Un. 103 Trust. (#76/77). Subsequently, Plaintiff appealed the decision to the Ninth Circuit. (#78). On November 16, 2023, the Ninth Circuit issued an order to vacate this Court's judgment and remand the matter for further proceedings in accordance with its ruling. (#100). Specifically, the Ninth Circuit remanded the case for this Court to consider the application of 7510 Perla Del Mar Ave. Tr. v. Bank of Am., N.A., 458 P.3d 348, 351 (Nev. 2020) regarding the futility of tender doctrine. Id. at 4.

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1 Accordingly, **IT IS THEREFORE ORDERED** that Plaintiff Deutsche Bank National Trust
2 and Defendants Saticoy Bay, LLC and 2995 E. Sunset Rd. Un. 103 Trust will have thirty (30)
3 days from the date of this order in which to file supplemental briefing, solely addressing the
4 question posed by the Ninth Circuit and its effect on Plaintiff's Motion for Summary Judgment
5 (#63). The briefing will not exceed ten (10) pages. Lastly, Plaintiff's motion (#102) is
6 **DISMISSED.**

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9 Dated this 9th day of April 2024.

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Kent J. Dawson
United States District Judge